



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

DEC 13 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Goshen County Commissioners  
c/o Lloyd Peterson, Chair  
P.O. Box 160  
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act Enforcement  
Action against  
Potlatch Trailer Court  
PWS ID#5600171


Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly, because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is re-issuing an administrative compliance order naming the correct owner to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the Potlatch Trailer Court water system, Torrington, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.23(d), 141.23(c)(1), 141.24(f), 141.86(d)(4)(iv), and 141.31(b) for failure to conduct routine monitoring for nitrate, failure to conduct routine monitoring for inorganic contaminants, failure to conduct routine monitoring for volatile organic contaminants, failure to conduct routine monitoring for lead and copper, and failure to report violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

DEC 13 2005

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Winston Brook Investment LLC, Owner  
c/o Mary Ellen Gorsuch, Registered Agent  
Potlatch Trailer Park  
W. Hwy 26 #35  
Torrington, WY 82240

Re: Administrative Order  
Docket No. SDWA-08-2006-0008  
PWS ID #WY5600171

Dear Ms. Gorsuch:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Winston Brook Investment LLC, as the owner of the Potlatch Trailer Court, is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.23(d), 141.23(c)(1), 141.24(f), 141.86(d)(4)(iv), and 141.31(b) for failure to conduct routine monitoring for nitrate, failure to conduct routine monitoring for inorganic contaminants, failure to conduct routine monitoring for volatile organic contaminants, failure to conduct routine monitoring for lead and copper, and failure to report violations to EPA.

If Winston Brook Investment LLC complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or



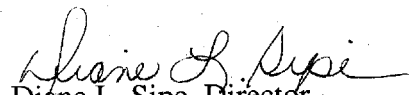
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determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. If any statement in the Finding section of the Order is not correct or current, please provide EPA with corrected or updated information within 10 days of your receipt of this Order. Also, if any pertinent information (e.g., ownership) changes at any time while this Order is in effect, please notify EPA immediately. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure  
Order  
SBREFA

cc: Kevin Northup  
Wyoming DEQ (via email)  
Wyoming DOH (via email)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 DEC 13 PM 1:55

IN THE MATTER OF )

Winston Brook Investment LLC, Owner )

Potlatch Trailer Court )

Torrington, Wyoming )

Respondent )

Proceedings under Section 1414(g) )

of the Safe Drinking Water Act, )

42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2006-0008**

FILED  
EPA REGION VIII  
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Winston Brook Investment LLC (Respondent) is a limited liability corporation under the laws of the state of Wyoming as of December 2003 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Potlatch Trailer Court water system (the System), located in Goshen County, Wyoming for the provision to the public of piped water for human consumption.
3. The System regularly serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42



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U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141.
5. According to a February 5, 2001 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of one well. The System serves approximately 75 persons per day during the year-round operating period through 41 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.62.
2. Respondent failed to monitor annually for nitrate in 2004, in violation of 40 C.F.R. § 141.23(d).

##### II.

1. 40 C.F.R. § 141.23(c)(1) requires community and non-transient, non-community water systems utilizing groundwater sources to monitor the water once in each



3-year compliance period to determine compliance with the MCLs for inorganic contaminants as stated in 40 C.F.R. § 141.62.

2. Respondent failed to monitor the water for inorganic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.23(c)(1).

### III.

1. 40 C.F.R. § 141.24(f) requires community public water systems to monitor their water to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61. Pursuant to 40 C.F.R. § 141.24(f)(6), EPA has allowed the System to meet this requirement by monitoring triennially.
2. Respondent failed to monitor the water for volatile organic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.24(f).

### IV.

1. 40 C.F.R. § 141.86(d)(4)(iv) requires community and non-transient, non-community water systems to conduct the lead and copper tap water sampling during the months of June, July, August, or September during each 3-year monitoring period for lead and copper after performing annual monitoring for three years.
2. Respondent failed to monitor for lead and copper during the 3-year compliance period of 2003-2005, in violation of 40 C.F.R. § 141.86(d)(4)(iv).



V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I through IV above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g) and 1445(a)(1)(B) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order, Respondent shall monitor the System's water for nitrate, to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Thereafter Respondent shall monitor the System's water for nitrate at least annually unless otherwise required by 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. Within 30 days of the date of this Order, Respondent shall monitor the System's water for inorganic chemicals to determine compliance with the inorganic MCLs appearing at 40 C.F.R. § 141.62. Thereafter Respondent shall monitor the System's water for inorganic chemicals at least triennially unless otherwise required by 40 C.F.R. § 141.23(c)(1). Respondent shall report analytical results to



the EPA within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).

3. Within 30 days of the date of this Order, Respondent shall monitor the System's water for volatile organic chemicals to determine compliance with the MCLs for volatile organic contaminants appearing at 40 C.F.R. § 141.61(a). Thereafter Respondent shall monitor the System's water for volatile organic chemicals at least triennially unless otherwise required by 40 C.F.R. § 141.24(f). Respondent shall report analytical results to EPA within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).
4. Between June 1 and September 30, 2006, and per the regulations thereafter, Respondent shall monitor the System's water for lead and copper as required by 40 C.F.R. § 141.86. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466





GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).



4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 13<sup>th</sup> day of December, 2005.

Michael T. Risner

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



WYOMING  
WATER/WASTEWATER  
TASK FORCE •

Governor Jim Geringer established the

Wyoming Water/Wastewater Task

Force in 2001 as an interagency effort

to reduce the likelihood of waterborne

disease outbreaks in Wyoming. Govern-

ment agencies represented on the Task

Force include the Wyoming Department

of Agriculture, Wyoming Department of

Health, Wyoming Department of Envi-

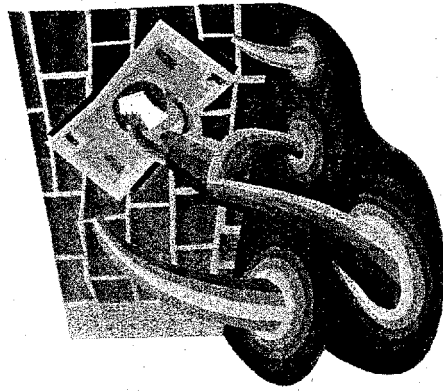
ronmental Quality, several county

health departments, and the U.S.

Environmental Protection Agency.



FUNDING OPTIONS  
FOR  
PRIVATELY-OWNED  
PUBLIC WATER  
SYSTEMS IN  
WYOMING





*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppindex.htm](http://www.epa.gov/opptintr/library/ppindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)

